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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,658	02/13/2002	Guy William Gladden	100200673-1	6086

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EXAMINER

GALL, LLOYD A

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

SJK

Office Action Summary	Application No.	Applicant(s)	
	10/074,658	GLADDEN ET AL.	
	Examiner	Art Unit	
	Lloyd A. Gall	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 November 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 and 25-58 is/are pending in the application.
- 4a) Of the above claim(s) 25-29 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19 and 30-58 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 February 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claims 25-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The written description should provide support for the “first hole in said housing” as set forth in the last line of claim 1, as well as for the “another hole” of claim 2, line 2 which receives the end of the lever in the open position.

Claims 2, 16, 19, 33, 36, 38, 41, 45, 47 and 54 are objected to because of the following informalities: In claim 2, lines 2-3, there is no antecedent basis for “said open position”. Claim 16 should depend from claim 13 to provide antecedent basis for “said shank”. In claim 19, line 3, “handle lever” should read –lever handle--, and “an open” should be replaced with –a closed--. In claim 33, line 2 and claim 41, line 2, “element” should be deleted for consistency purposes. In claim 36, line 1, the first occurrence of “a” should be deleted. In claim 38, line 2, “handle lever” should read –lever handle--. In claim 38, line 3, “an open” should be replaced with –a closed--. In claim 45, line 1, “handle lever” should be replaced with –lever handle--. In claim 45, line 2, “an open” should be replaced with –a closed--. In claim 47, line 2 and claim 54, line 2, there is no antecedent basis for “said open position”.

Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 7, 8 and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Chao (649).

Chao teaches an enclosure securing apparatus including a handle housing 5 in a cover (of luggage), a pivotal handle lever 2 with a first end (to the left of its midpoint in fig. 10) and a second end (to the right of its midpoint in fig. 10), a cam surface 26 for engagement with a lock housing (slotted plate 6), a lock assembly including a rotatable shank 25, 251 which extends through a hole 24 in the lever and a hole 47 in the housing, detents 222 having a rounded shape for cooperation with wing elements 46 of the housing to define open and closed positions for the lever until force is applied to the lever to move the detents 222 past the wings 46. The housing 5 houses at least portions 22, 24, 26 of the lever in the closed position thereof. With respect to claim 5, spring 46 is regarded as a handle snap for engagement with portion 222 of the lever. The method limitations of claim 53 are also taught by Chao, as set forth above.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chao in view of Dimig.

Dimig teaches a handle housing and lever formed of plastic (pg. 11, line 17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the housing and lever of Chao of plastic, in view of the teaching of Dimig, the motivation being as a cost savings measure.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chao in view of Vickers.

Vickers teaches a metal cylinder 200. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the cylinder/shank 25 of Chao of metal, in view of the teaching of Vickers, the motivation being to optimize its strength/durability.

Claims 11, 46 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chao in view of Kim et al.

Kim et al teaches in paragraph [0003] luggage used as a computer housing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the luggage of Chao as a computer housing, in view of the teaching of Kim et al, the motivation being for convenient storage and transportation of a computer.

Claims 1, 2, 4, 11, 46, 47, 49, 53, 54 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicants' admitted prior art in view of Pelcin (300).

As seen in figures 1 and 2 of the instant application and described on pages 1-2 of the instant application, applicants teach that a computer server and access panel cover to

the server is well known to include a lever 22 pivotally mounted in a lever handle housing and including cams 24 at the end of the lever extending through a hole in the housing in the open position wherein the lever cams engage the enclosure of the server when the lever is moved to its closed position. Pelcin teaches a lock with a keyed tumbler 52 operated shank 56 for engaging a hole 58 of a lever as well as a hole 57 in the housing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a lock and rotatable shank to engage a hole in the housing and a hole in the lever of applicants' admitted prior art, in view of the teaching of Pelcin, the motivation being to restrict lever movement access to only those who are authorized with a key, to optimize security of the lever handle.

Claims 3, 48 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified admitted prior art as applied to claims 2, 46 and 54 above, and further in view of Kapes (369).

Kapes teaches that it is well known to utilize snap protrusions 52 on a lever and housing holes 54 to serve as the pivot for the lever. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a snap engagement including protrusions and holes with the lever and housing of applicants' admitted prior art, in view of the teaching of Kapes, the motivation being to simplify assembly of the lever with the housing.

Claims 5, 6 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified applicants' admitted prior art as applied to claims 1 and 46 above, and further in view of Krenz.

Krenz teaches a handle snap 12 for engaging a hole in a lever to retain it in its closed position. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a handle snap with a lever hole of applicants' admitted prior art, to retain the lever in its closed position, the motivation being to prevent the lever from freely moving out of its closed position.

Claims 7, 8, 51, 52, 57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified applicants' admitted prior art as applied to claims 2, 47 and 54 above, and further in view of Chao.

As set forth above, Chao teaches detents 222 at a lever end to engage with wings 46 of a housing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide detents and wings between the lever and housing of applicants' admitted prior art, in view of the teaching of Chao, the motivation being to prevent the lever from undesirably freely moving between its open and closed positions.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified admitted prior art as applied to claim 1 above, and further in view of Dimig. Dimig teaches a plastic lever and housing as set forth above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the lever and housing of applicants' admitted prior art of plastic, in view of the teaching of Dimig, the motivation being as a cost savings measure.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified applicants' admitted prior art as applied to claim 1 above, and further in view of Vickers.

Vickers teaches a metal cylinder 200 as set forth above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the lock 52 of applicants' admitted prior art as modified by Pelcin of metal, in view of the teaching of Vickers, the motivation being to optimize its strength/durability.

Claims 12, 14, 15, 30-33 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicants' admitted prior art in view of Chao.

Both of the references have been described above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide rounded detents and wings between the lever and housing of applicants' admitted prior art (to serve as the means of claim 30, line 8 and the maintaining step of claim 39, line 9), in view of the teaching of Chao, the motivation being to prevent the lever from undesirably freely moving between its open and closed positions.

Claims 13, 16, 17, 34-36, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified applicants' admitted prior art as applied to claims 12, 31 and 39 above, and further in view of Pelcin.

Pelcin has been described above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a keyed tumbler operated rotatable shank for use with holes in the lever and housing of applicants' admitted prior art, in view of the teaching of Pelcin, the motivation being to restrict access to the lever and server of applicants' admitted prior art to only those who are authorized with a key, to optimize security.

Claims 18, 37 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified applicants' admitted prior art as applied to claims 12, 31 and 39 above, and further in view of Kapes.

Kapes has been discussed above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a snap engagement including protrusions and holes between the lever and housing of applicants' admitted prior art, in view of the teaching of Kapes, the motivation being to simplify assembly of the lever with the housing.

Claims 19, 38 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified applicants' admitted prior art as applied to claims 12, 31 and 39 above, and further in view of Krenz.

Krenz teaches a handle snap as set forth above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a handle snap with a lever hole of applicants' admitted prior art, in view of the teaching of Krenz, the motivation being to prevent the lever from freely moving out of its closed position.

Applicant's arguments with respect to claims 1-19 and 30-58 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
February 20, 2004

Lloyd A. Hall
Lloyd A. Hall
Primary Examiner